



General Assembly

February Session, 2012

***Raised Bill No. 114***

LCO No. 915

\*00915\_\_\_\_\_VA\_\*

Referred to Committee on Select Committee on Veterans' Affairs

Introduced by:  
(VA)

***AN ACT CONCERNING PRETRIAL DIVISIONARY PROGRAMS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsections (d) to (k), inclusive, of section 54-56l of the  
2 general statutes are repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2012*):

4 (d) (1) The court shall refer such person to the Court Support  
5 Services Division for confirmation of eligibility and assessment of the  
6 person's mental health condition. The prosecuting attorney shall  
7 provide the division with a copy of the police report in the case to  
8 assist the division in its assessment. The division shall determine if the  
9 person is amenable to treatment and if appropriate services and  
10 treatment are available. If the person is a veteran, the division shall  
11 consult with the Department of Mental Health and Addiction Services,  
12 the United States Department of Veterans Affairs or the Department of  
13 Veterans' Affairs to determine if the person is amenable to treatment  
14 and if appropriate services and treatment are available. If the division  
15 determines that the person is amenable to treatment and that  
16 appropriate services and treatment are available, it shall develop a

17 treatment plan tailored to the person and shall present it to the court.  
18 In the case of a treatment plan for a veteran, the plan may be  
19 developed by the Department of Mental Health and Addiction  
20 Services, the United States Department of Veterans Affairs or the  
21 Department of Veterans' Affairs.

22 (2) For purposes of this section, "veteran" means a veteran, as  
23 defined in section 27-103 or a person eligible for the United States  
24 Department of Veterans Affairs' services under Title 38 of the United  
25 States Code.

26 (e) Upon confirmation of eligibility and consideration of the  
27 treatment plan presented by the Court Support Services Division, the  
28 court may grant such application. If the court grants the application,  
29 such person shall be referred to the division. The division shall  
30 collaborate with the Department of Mental Health and Addiction  
31 Services, the United States Department of Veterans Affairs or the  
32 Department of Veterans' Affairs, as applicable, to place such person in  
33 a program that provides appropriate community supervision,  
34 treatment and services. The person shall be subject to the supervision  
35 of a probation officer who has a reduced caseload and specialized  
36 training in working with persons with psychiatric disabilities.

37 (f) The Court Support Services Division shall establish policy and  
38 procedures to require division employees to notify any victim of the  
39 person admitted to the program of any conditions ordered by the court  
40 that directly affect the victim and of such person's scheduled court  
41 appearances with respect to the case.

42 (g) Any person who enters the program shall agree: (1) To the  
43 tolling of the statute of limitations with respect to such crime or  
44 violation; (2) to a waiver of such person's right to a speedy trial; and (3)  
45 to any conditions that may be established by the division concerning  
46 participation in the supervised diversionary program including  
47 conditions concerning participation in meetings or sessions of the  
48 program.

49 (h) If the Court Support Services Division informs the court that  
50 such person is ineligible for the program and the court makes a  
51 determination of ineligibility or if the division certifies to the court that  
52 such person did not successfully complete the assigned program, the  
53 court shall order the court file to be unsealed, enter a plea of not guilty  
54 for such person and immediately place the case on the trial list.

55 (i) If such person satisfactorily completes the assigned program,  
56 such person may apply for dismissal of the charges against such  
57 person and the court, on reviewing the record of such person's  
58 participation in such program submitted by the Court Support  
59 Services Division and on finding such satisfactory completion, shall  
60 dismiss the charges. If such person does not apply for dismissal of the  
61 charges against such person after satisfactorily completing the  
62 assigned program, the court, upon receipt of the record of such  
63 person's participation in such program submitted by the Court  
64 Support Services Division, may on its own motion make a finding of  
65 such satisfactory completion and dismiss the charges. Except as  
66 provided in subsection (j) of this section, upon dismissal, all records of  
67 such charges shall be erased pursuant to section 54-142a. An order of  
68 the court denying a motion to dismiss the charges against a person  
69 who has completed such person's period of probation or supervision  
70 or terminating the participation of a person in such program shall be a  
71 final judgment for purposes of appeal.

72 (j) The Court Support Services Division shall develop and maintain  
73 a database of information concerning persons admitted to the  
74 supervised diversionary program that shall be available to the state  
75 police and organized local police departments for use by sworn police  
76 officers when responding to incidents involving such persons. Such  
77 information shall include the person's name, date of birth, Social  
78 Security number, the violation or violations with which the person was  
79 charged, the dates of program participation and whether a deadly  
80 weapon or dangerous instrument was involved in the violation or  
81 violations for which the program was granted. The division shall enter

82 such information in the database upon such person's entry into the  
83 program, update such information as necessary and retain such  
84 information for a period of five years after the date of such person's  
85 entry into the program.

86 (k) The Court Support Services Division, in collaboration with the  
87 Department of Mental Health and Addiction Services and the  
88 Department of Veterans' Affairs, shall develop standards and oversee  
89 appropriate treatment programs to meet the requirements of this  
90 section and may contract with service providers to provide such  
91 programs.

92 Sec. 2. Subsection (b) of section 54-56e of the 2012 supplement to the  
93 general statutes is repealed and the following is substituted in lieu  
94 thereof (*Effective October 1, 2012*):

95 (b) The court may, in its discretion, invoke such program on motion  
96 of the defendant or on motion of a state's attorney or prosecuting  
97 attorney with respect to a defendant (1) who, the court believes, will  
98 probably not offend in the future, (2) who has no previous record of  
99 conviction of a crime or of a violation of section 14-196, subsection (c)  
100 of section 14-215, section 14-222a, subsection (a) of section 14-224 or  
101 section 14-227a, and (3) who states under oath, in open court or before  
102 any person designated by the clerk and duly authorized to administer  
103 oaths, under the penalties of perjury that the defendant has never had  
104 such program invoked in the defendant's behalf, or in the case where  
105 the defendant is a veteran, that the defendant has not used such  
106 program invoked in the defendant's behalf more than once previously,  
107 provided the defendant shall agree thereto and provided notice has  
108 been given by the defendant, on a form approved by rule of court, to  
109 the victim or victims of such crime or motor vehicle violation, if any,  
110 by registered or certified mail and such victim or victims have an  
111 opportunity to be heard thereon. Any defendant who makes  
112 application for participation in such program shall pay to the court an  
113 application fee of thirty-five dollars. For purposes of this subsection,

114 "veteran" means a veteran, as defined in section 27-103 or a person  
 115 eligible for the United States Department of Veterans Affairs' services  
 116 under Title 38 of the United States Code.

117 Sec. 3. Subsections (c) to (j), inclusive, of section 54-56i of the general  
 118 statutes are repealed and the following is substituted in lieu thereof  
 119 (*Effective October 1, 2012*):

120 (c) The court, after consideration of the recommendation of the  
 121 state's attorney, assistant state's attorney or deputy assistant state's  
 122 attorney in charge of the case, may, in its discretion, grant such  
 123 application. If the court grants such application, the court shall refer  
 124 such person to the Court Support Services Division for confirmation of  
 125 the eligibility of the applicant and to the Department of Mental Health  
 126 and Addiction Services, the United States Department of Veterans  
 127 Affairs or the Department of Veterans' Affairs, as applicable, for  
 128 evaluation.

129 (d) (1) Upon confirmation of eligibility and receipt of the evaluation  
 130 required pursuant to subsection (c) of this section, such person shall be  
 131 referred to the Department of Mental Health and Addiction Services  
 132 by the Court Support Services Division for placement in the drug  
 133 education program. If such person is a veteran, such person may be  
 134 referred to the United States Department of Veterans Affairs or the  
 135 Department of Veterans' Affairs by the Court Support Services  
 136 Division for placement in a comparable drug education program.  
 137 Participants in [the] any such drug education program shall receive  
 138 appropriate drug intervention services or substance abuse treatment  
 139 program services, as recommended by the evaluation conducted  
 140 pursuant to subsection (c) of this section, and ordered by the court.  
 141 Placement in [the] a drug education program pursuant to this section  
 142 shall not exceed one year. Persons receiving substance abuse treatment  
 143 program services in accordance with the provisions of this section shall  
 144 only receive such services at state licensed substance abuse treatment  
 145 program facilities that are in compliance with all state standards

governing the operation of such facilities unless such person is a  
veteran, in which case the person may receive services at the United  
States Department of Veterans Affairs or the Department of Veterans'  
Affairs. Any person who enters [the] any such program shall agree:  
 [(1)] (A) To the tolling of the statute of limitations with respect to such  
 crime; [(2)] (B) to a waiver of such person's right to a speedy trial; [(3)]  
 (C) to complete participation in the ten-session drug intervention  
 program, fifteen-session drug intervention program or substance  
 abuse treatment program, as recommended by the evaluation  
 conducted pursuant to subsection (c) of this section, and ordered by  
 the court; [(4)] (D) to commence participation in the applicable drug  
 education program not later than ninety days after the date of entry of  
 the court order unless granted a delayed entry into the program by the  
 court; and [(5)] (E) upon completion of participation in the applicable  
 pretrial drug education program, to accept placement in a treatment  
 program upon the recommendation of a provider under contract with  
 the Department of Mental Health and Addiction Services, the United  
States Department of Veterans Affairs or the Department of Veterans'  
Affairs or placement in a treatment program operated by the United  
States Department of Veterans Affairs or the Department of Veterans'  
Affairs or that has standards substantially similar to, or higher than, a  
 program of a provider under contract with the Department of Mental  
 Health and Addiction Services if the Court Support Services Division  
 deems it appropriate. The Court Support Services Division shall  
 require as a condition of participation in the drug education program  
 that any person participating in the ten-session drug intervention  
 program or the substance abuse treatment program also participate in  
 the community service labor program, established pursuant to section  
 53a-39c, for not less than five days; and that any person participating  
 in the fifteen-session drug intervention program also participate in  
 said community service labor program, for not less than ten days.

(2) For purposes of this section, "veteran" means a veteran, as  
defined in section 27-103 or a person eligible for the United States  
Department of Veterans Affairs' services under Title 38 of the United

180 States Code.

181 (e) If the Court Support Services Division informs the court that  
 182 such person is ineligible for the program and the court makes a  
 183 determination of ineligibility or if the program provider certifies to the  
 184 court that such person did not successfully complete the assigned  
 185 program and such person did not request, or the court denied,  
 186 reinstatement in the program under subsection (i) of this section, the  
 187 court shall order the court file to be unsealed, enter a plea of not guilty  
 188 for such person and immediately place the case on the trial list.

189 (f) If such person satisfactorily completes the assigned program,  
 190 such person may apply for dismissal of the charges against such  
 191 person and the court, on reviewing the record of such person's  
 192 participation in such program submitted by the Court Support  
 193 Services Division and on finding such satisfactory completion, shall  
 194 dismiss the charges. If such person does not apply for dismissal of the  
 195 charges against such person after satisfactorily completing the  
 196 assigned program, the court, upon receipt of the record of such  
 197 person's participation in such program submitted by the Court  
 198 Support Services Division, may on its own motion make a finding of  
 199 such satisfactory completion and dismiss the charges. Upon motion of  
 200 such person and a showing of good cause, the court may extend the  
 201 placement period for a reasonable period for such person to complete  
 202 the assigned program. A record of participation in such program shall  
 203 be retained by the Court Support Services Division for a period of ten  
 204 years from the date the court grants the application for participation in  
 205 the program.

206 (g) At the time the court grants the application for participation in  
 207 the pretrial drug education program, such person shall pay to the court  
 208 a nonrefundable program fee of three hundred fifty dollars if such  
 209 person is ordered to participate in the ten-session drug intervention  
 210 program or five hundred dollars if such person is ordered to  
 211 participate in the fifteen-session drug intervention program. If the

212 court orders participation in a substance abuse treatment program,  
213 such person shall be responsible for the costs associated with such  
214 program. No person may be excluded from any such program for  
215 inability to pay such fee or cost, provided (1) such person files with the  
216 court an affidavit of indigency or inability to pay, (2) such indigency or  
217 inability to pay is confirmed by the Court Support Services Division,  
218 and (3) the court enters a finding thereof. The court may waive all or  
219 any portion of such fee depending on such person's ability to pay. If  
220 the court finds that a person is indigent or unable to pay for a  
221 treatment program, the costs of such program shall be paid from the  
222 pretrial account established under section 54-56k. If the court denies  
223 the application, such person shall not be required to pay the program  
224 fee. If the court grants the application, and such person is later  
225 determined to be ineligible for participation in such pretrial drug  
226 education program or fails to complete the assigned program, the  
227 program fee shall not be refunded. All program fees shall be credited  
228 to the pretrial account established under section 54-56k.

229 (h) If a person returns to court with certification from a program  
230 provider that such person did not successfully complete the assigned  
231 program or is no longer amenable to treatment, the provider, to the  
232 extent practicable, shall include a recommendation to the court as to  
233 whether a ten-session drug intervention program, a fifteen-session  
234 drug intervention program or placement in a substance abuse  
235 treatment program would best serve such person's needs. The  
236 provider shall also indicate whether the current program referral was  
237 an initial referral or a reinstatement to the program.

238 (i) When a person subsequently requests reinstatement into a drug  
239 intervention program or a substance abuse treatment program and the  
240 Court Support Services Division verifies that such person is eligible for  
241 reinstatement into such program and thereafter the court favorably  
242 acts on such request, such person shall pay a nonrefundable program  
243 fee of one hundred seventy-five dollars if ordered to complete a ten-  
244 session drug intervention program or two hundred fifty dollars if



245 ordered to complete a fifteen-session drug intervention program, as  
 246 the case may be. Unless good cause is shown, such fees shall not be  
 247 waived. If the court grants a person's request to be reinstated into a  
 248 substance abuse treatment program, such person shall be responsible  
 249 for the costs, if any, associated with being reinstated into the treatment  
 250 program. All program fees collected in connection with a  
 251 reinstatement to a drug intervention program shall be credited to the  
 252 pretrial account established under section 54-56k. No person shall be  
 253 permitted more than two program reinstatements pursuant to this  
 254 subsection.

255 (j) The Department of Mental Health and Addiction Services shall  
 256 develop standards and oversee appropriate drug education programs  
 257 to meet the requirements of this section and may contract with service  
 258 providers to provide such programs. The department shall adopt  
 259 regulations, in accordance with chapter 54, to establish standards for  
 260 such drug education programs, provided the United States  
 261 Department of Veterans Affairs and the Department of Veterans'  
 262 Affairs may oversee such programs for veterans.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	54-56l(d) to (k)
Sec. 2	<i>October 1, 2012</i>	54-56e(b)
Sec. 3	<i>October 1, 2012</i>	54-56i(c) to (j)

***Statement of Purpose:***

To provide for the development of treatment plans, conditions or programs in certain pretrial diversionary programs that are specifically for veterans.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*